

10/089641

JC10R&J PCT/TC 28 MAR 2002

EXPRESS MAIL CERTIFICATE

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PATENT TRADEMARK OFFICE

Docket No.: 6181/OK439

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dae-Gun KIM; Won-Kyung CHO; Neen-Cheol JUNG; Young-Rim
SEONG; Dong-Soo IM; Seung-Suh HONG; Hyun-Soo LEE

Serial No.: NOT YET ASSIGNED (U.S. NATIONAL PHASE OF PCT/KR01/01295)

Filed: CONCURRENTLY HEREWITH

For: EXPRESSION VECTOR CODING P972 GENE FOR CANCER THERAPY
AND ADENOVIRUS PRODUCING THE SAME

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This Information Disclosure Statement is submitted in accordance with
37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this
statement and in the listed documents be considered during the pendency of the
above-identified application, and any other application relying on the filing date of
the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)

A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.

C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

ii. A check for the fee set forth in 1.17(p), presently believed to be \$180, is enclosed.

D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment

hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

- A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- B. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant Identifies these documents by attaching hereto copies of the forms PTO-892 and PTO- 1449 from the files of the prior application(s) or a fresh PTO- 1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

3. Document No. 1 is not in the English language. In accordance with 1.98(c), Applicant states:

- An English translation of the Abstract is enclosed.
- A concise explanation of the relevance of document(s) _____ is found in the attached search report (see MPEP § 609 A(3)(x)).
- A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- A concise explanation of document(s) _____ can be found on the attached sheet.

4. No explanation of relevance is necessary for documents in the English language (see MPEP § 609 A(3)).

5. Other information being provided for the examiner's consideration follows: The undersigned is also enclosing herewith a copy of a Search Report issued December 26, 2001 for the PCT counterpart of the present patent

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application (Application No. PCT/KR01/01295), in which the presently disclosed references were cited.

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No. _____, filed _____.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

S. Peter Ludwig
Registration No. 25,351
Attorney for Applicant(s)

March 27, 2002

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SHEET 1 OF 1
(REV. 7-80)
TRADEMARK OFFICE

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

U.S. PATENT DOCUMENTS

*EXAMINER DOCUMENT
INITIALS NUMBER DATE NAME CLASS SUBCLASS FILING DATE

FOREIGN PATENT DOCUMENTS

* EXAMINER DOCUMENT TRANSLATION
INITIALS NUMBER DATE COUNTRY CLASS SUBCLASS YES NO

OTHER REFERENCES
(INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

* EXAMINER
INITIALS

1. "A Family of stress-Inducible GADD45-like Proteins Mediate Activation of the Stress-Responsive MTK1/MEK4 MAPKK" M. Takekawa and H. Saito, *Cell*, vol. 95, no. 4, pp 521-530 (November 1998).
2. "Induction of GADD45 and JNK/SAPK-Dependent Apoptosis following Inducible Expression of BRCA1" D.P. Harkin et al., *Cell*, vol. 97, no. 5, pp 575-586 (May 1999).
3. "A Novel Oncostatin M-inducible Gene OIG37 Forms a Gene Family with MyD118 and GADD45 and Negatively Regulates Cell Growth" K. Nakayama et al., *J. Biol. Chem.*, vol. 274, no. 35, pp 24766-24772 (August 1999).
4. "Radiation-Induced GADD45 Expression Correlates with Clinical Response to Radiotherapy of Cervical Carcinoma" M.A. Santucci et al., *Int. J. Radiation Oncology Biol. Phys.*, vol. 46, no. 2, pp 411-416 (January 2000).

EXAMINER: _____

DATE CONSIDERED: _____

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.